



Samuel 4/6/04

GP 3739

PATENT  
Attorney Docket No. 0320-0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven, et al.

Serial No.: 10/015,862

Filed: December 12, 2001

Group Art No.: 3739

Examiner: Rosiland S. Kearney

For: TRANSMURAL ABLATION DEVICE  
WITH SPRING LOADED JAWS

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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/015,862          |
|   | Filing Date            | December 12, 2001   |
|   | First Named Inventor   | Michael D. Hooven   |
|   | Art Unit               | 3739                |
|   | Examiner Name          | Rosiland S. Kearney |
| Total Number of Pages in This Submission *  | Attorney Docket Number | 0320-0018           |

| ENCLOSURES (Check all that apply)  |   |   |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
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| <b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>  |   |   |
| Firm or Individual name  | Gary W. McFarron, Esq.  |   |
| Signature  |   |   |
| Date   | April 5, 2004   |   |

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Alexandria, VA 22313-1450

**FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §1.97, Applicant hereby calls the Examiner's attention to the document (U.S. Patent No. 6,126,658) listed on the attached form, which document may be material to the examination of this application. A copy of this document is enclosed herewith for the Examiner's consideration.

Applicant also calls the Examiner's attention to documents listed on pages 2-3, 4, and 9-11 of the attached PTO/SB/08A form. These pages were previously submitted with an Information Disclosure Statements mailed May 17, 2002, and September 10, 2003. However, the Examiner's Office Actions, mailed December 14, 2002, and October 13, 2003, did not include copies of these

04/07/2004 ZJUHR1 0000063 10015862 180.00 OP  
01 FC:1806

pages with the Examiner's initials indicating that these pages have been considered. Therefore, applicants are resubmitting these pages for the Examiner's attention. A copy of each of these documents was provided either in U.S. Patent Application Serial No. 10/032,378, filed October 26, 2001, or in U.S. Patent Application Serial No. 09/747,609, filed December 22, 2000, now issued patent 6,546,935, which are relied upon for an earlier effective filing date. Accordingly, copies are not enclosed, but such copies can be provided to the Examiner upon request to the undersigned attorney.

No inference should be drawn that any apparatus or method disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the

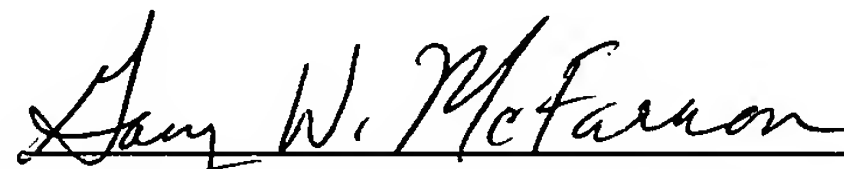
disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

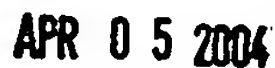
This information disclosure statement is being filed after the first office action but before the mailing date of any final action, a notice of allowance, or an action that otherwise closes prosecution in the application and it is accompanied by a check in the amount of \$180.00.

Respectfully submitted,

Date: April 5, 2004

By:

  
\_\_\_\_\_  
Gary W. McFarron, Esq.  
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| Application Number     | 10/015,862          |
| Filing Date            | December 12, 2001   |
| First Named Inventor   | Michael D. Hooven   |
| Art Unit               | 3739                |
| Examiner Name          | Rosiland S. Kearney |
| Attorney Docket Number | 0320-0018           |

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| Sheet | 1 | of | 1 |
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## U. S. PATENT DOCUMENTS

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## FOREIGN PATENT DOCUMENTS

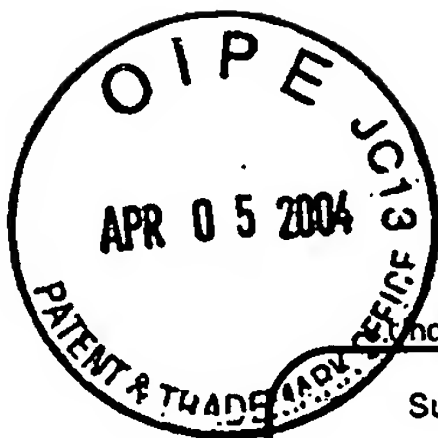
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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|                        |                      |
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| Application Number     | 10/015,862           |
| Filing Date            | December 12, 2001    |
| First Named Inventor   | Michael D. Hooven    |
| Art Unit               | 3739                 |
| Examiner Name          | Rosiland S. Kearney  |
| Attorney Docket Number | 0320-0018 (HOOV 118) |

Sheet 2 of 3

**U. S. PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number-Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 21                       | US- 2002/0107513 A1                      | 08-08-2002                     | Hooven, Michael D.                                 |   |
|                       | 22                       | US- 2002/0103484 A1                      | 08-01-2002                     | Hooven, Michael D.                                 |   |
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|                       |                          | US-                                      |                                |  |   |
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**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   | Publication<br>Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
|                       |                          | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                   |  |   |                |
|                       | 35                       | WO 01/82812 A1  | 11-08-2001                        | Medtronic, Inc.                                    |   |                |
|                       | 36                       | WO 01/82813 A2  | 11-08-2001                        | Medtronic, Inc.                                    |   |                |
|                       | 37                       | WO 01/82813 A3  | 11-08-2001                        | Medtronic, Inc.                                    |   |                |
|                       |                          |   |                                   |  |   |                |
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|   |   |    |   | Application Number     |  |
|   |   |    |   | Filing Date            |  |
|   |   |    |   | First Named Inventor   |  |
|   |   |    |   | Group Art Unit         |  |
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|   | 38                       | BERJANO, ENRIQUE J. et al. "Bipolar Electrosurgery With Long Electrodes for RF Coagulation of Atrial Tissue" Proceedings 19th International Conference - IEEE/EMBS Oct. 30 - Nov. 2, 1997 Chicago, IL USA. pages 2528 - 2530                                    |                |
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LIST OF PUBLICATIONS  
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Attorney Docket No.  
HOOV 118

Serial No.  
10/015,862

Applicant  
Michael D. HOOVEN, et al.

Filing Date  
December 12, 2001

Group  
3762

U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL | DOCUMENT<br>NUMBER | DATE     | NAME              | CLASS | SUB-<br>CLASS | FILING<br>DATE |
|----------------------|--------------------|----------|-------------------|-------|---------------|----------------|
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|                      | 5,642,736          | 07/01/97 | Avitall           | 128   | 772           | 08/19/96       |
|                      | 5,655,219          | 08/05/97 | Jusa et al        | 370   | 338           | 03/04/94       |
|                      | 5,672,174          | 09/30/97 | Gough et al       | 606   | 41            | 01/16/96       |
|                      | 5,674,220          | 10/07/97 | Fox et al         | 606   | 51            | 09/29/95       |
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|                      | 5,693,051          | 12/02/97 | Schulze et al     | 606   | 51            | 04/12/95       |
|                      | 5,697,925          | 12/16/97 | Taylor            | 606   | 34            | 06/09/95       |

FOREIGN PATENT DOCUMENTS

|  | DOCUMENT<br>NUMBER | DATE     | NAME                     | CLASS | SUB-<br>CLASS | FILING<br>DATE |
|--|--------------------|----------|--------------------------|-------|---------------|----------------|
|  | WO 97/32525        | 09/12/97 | Cardiac Pathways Corp.   |       |               | 11/04/96       |
|  | WO 99/44519        | 09/10/99 | Atrionix, Inc.           |       |               | 03/02/99       |
|  | WO 99/59486        | 11/25/99 | New England Medical Ctr. |       |               | 05/20/99       |
|  | WO 00/21449        | 04/20/00 | Levin, J.M.              |       |               | 10/09/98       |

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|----------------------|--------------------|----------|----------------------|-------|---------------|----------------|
|                      | 5,980,516          | 11/09/99 | Mulier et al         | 606   | 41            | 03/09/98       |
|                      | 5,980,517          | 11/09/99 | Gough                | 606   | 41            | 03/25/98       |
|                      | 5,984,281          | 11/16/99 | Hacker et al         | 261   | 71            | 12/08/97       |
|                      | 5,997,533          | 12/07/99 | Kuhns                | 606   | 41            | 01/30/98       |
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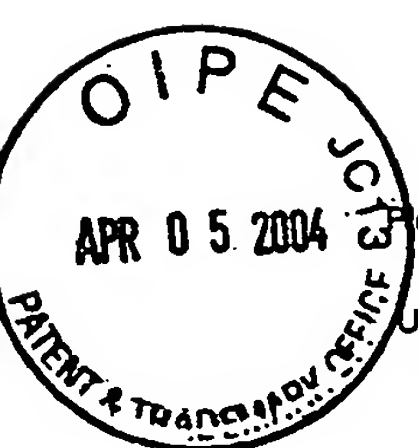
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|   |    |    |    | Application Number       | 10/015,862                |
|   |    |    |    | Filing Date              | December 12, 2001         |
|   |    |    |    | First Named Inventor     | Michael D. Hooven, et al. |
|   |    |    |    | Group Art Unit           | 3762                      |
|   |    |    |    | Examiner Name            |                           |
| Sheet   | 10 | of | 12 | Attorney Docket Number   | HOOV 118                  |

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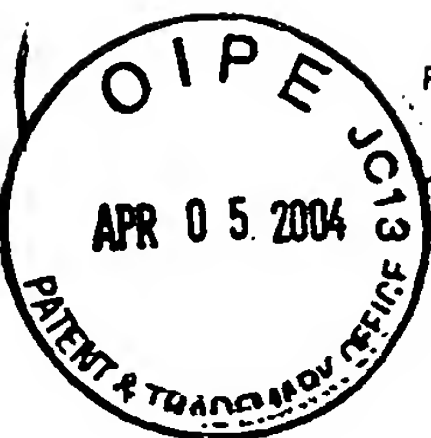
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|   |    |    |    | Examiner Name            |                           |
| Sheet   | 11 | of | 12 | Attorney Docket Number   | HOOV 118                  |

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